

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

MICHAEL LAUREN REHM, et al.

PLAINTIFF

v.

CIVIL ACTION NO. 1:08-CV-246-SA-JAD

PONTOTOC CITY SCHOOL DISTRICT

DEFENDANT

ORDER DISMISSING CASE
FOR FAILURE TO PROSECUTE

On October 6, 2009, the Defendant noticed the telephonic depositions of the Plaintiffs. The Court was advised that the Plaintiffs failed to appear for their depositions. On October 13, 2009, Plaintiffs' counsel moved to withdraw citing Plaintiffs' failure and refusal to communicate with counsel.

On November 2, 2009, the Magistrate Judge denied the motion to withdraw because of the absence of a certificate of service showing service of the motion on the Plaintiffs. On November 4, 2009, Plaintiffs' counsel filed a motion for reconsideration attaching proof that the original motion had in fact been served upon the Plaintiffs.

On November 4, 2009, the Magistrate Judge reconsidered his order and permitted Plaintiffs' counsel to withdraw. The order also required the Plaintiffs to show cause as to why this action should not be dismissed for failure to prosecute. The Plaintiffs' written response was due within 14 days of the order. Pursuant to the provisions of the order, withdrawing counsel served the order on the Plaintiffs and has provided the Court with proof of service.

The time for responding to the show cause order has now expired without any response from the Plaintiffs. The Court finds that this action should be dismissed for failure to prosecute.

IT IS THEREFORE ORDERED AND ADJUDGED that this action should be and it is hereby dismissed for failure to prosecute. All costs are taxed to the Plaintiffs.

SO ORDERED AND ADJUDGED this the 23rd day of November, 2009.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE